THE HON'BLE SRI JUSTICE D.S.R.VARMA

W.P.NO.26154 OF 1996

Date: 12TH JULY 2006

Between:

1.K.Bhaskar Reddy, S/o. K.Krishna Reddy,
aged about 60 years, Hindu, Hyderabad.
2.P.Sriramulu, S/o. Yellappa,
aged about 60 years, R/o. Hyderabad. …Petitioner

And:

A.P. State Warehousing Corporation,
rep., by its Managing Director, Warehouse Sadan,
near Gandhi Bhavan, Hyderabad. …
Respondent

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W.P.NO.26154 OF 1996

ORAL ORDER:

Heard both sides.

2. This writ petition is filed seeking a declaration that the action of the respondent in not accepting the claim of the petitioners for pay and allowances of the posts of Vigilance & Inspection Officer and the Regional Manager, which they held as in-charge, as illegal, unconstitutional and void and for a consequential direction to the respondent to pay the difference of pay and allowances to which the petitioners are entitled to for the period they worked as Vigilance & Inspection Officer and Regional Manager, respectively.

3. The grievance of the petitioners is that they were denied pay and allowances of the posts of Vigilance & Inspection Officer and the Regional Manager, respectively, for the period they worked.

4. It appears that there were two vacancies of Vigilance & Inspection Officer and the Regional Manager in the respondent-corporation. Since no 'Executive Committee' was in existence, the petitioners were appointed in those posts and they were discharging the duties and functions as Vigilance & Inspection Officer and the Regional Manager, respectively. Subsequently, after retirement of the petitioners, a regular 'Executive Committee' was constituted and the said committee had appointed two individuals in the said posts on regular basis.

5. Now, the grievance of the petitioners is that even though they were discharging the duties and functions as Vigilance & Inspection Officer and the Regional Manager, respectively, they were denied pay and allowances attached to the said posts.

6. In this regard, it is to be seen that the appointments of the

petitioners as Vigilance & Inspection Officer and the Regional Manager, respectively, were, admittedly, on in-charge basis only.

7. It is settled law that no individual has any indefeasible right for appointment or promotion as such. It is for the appointing authority to appoint somebody or promote somebody on regular basis subject to certain conditions, rules or regulations.

8. Admittedly, the petitioners have worked in the posts of Vigilance & Inspection Officer and the Regional Manager, respectively, only on in-charge basis. Their substantive posts were something different. Therefore, there is absolutely no vested right for the petitioners to claim any right seeking pay and allowances attached to the posts of Vigilance & Inspection Officer and the Regional Manager, respectively, in which they were worked only on in-charge basis and they are not entitled to seek any relief as sought for in the present writ petition. Furthermore, the petitioners have retired long back i.e., even before filing the present writ petition and their claim is only after their retirement.

9. For the foregoing, the writ petition is devoid of any merit and is liable to be dismissed.

10. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

JUSTICE D.S.R.VARMA

12TH JULY 2006
KRK/AK